

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JUSTIN MICHAEL TRUCKEY,

Plaintiff,

v.

JANEL NICKEL, DYLAN RADTKE,
PATRICK BRANT, YANA ZANON,
THOMAS TIMM and CHERIE BERRETT,

Defendants.

ORDER

10-cv-414-bbc

As directed in this court's order of January 31, 2011, plaintiff Justin Truckey has submitted a certified copy of his trust fund account statement so that a determination may be made whether he is indigent for the purpose of proceeding on appeal in forma pauperis and if he is, what amount must be assessed under the 1996 Prison Litigation Reform Act as an initial partial payment of the fee for filing his appeal. In the January 31 order, I found that plaintiff's appeal is not taken in bad faith and that he is not barred by the three strikes provision of 28 U.S.C. § 1915(g) from proceeding with his appeal in forma pauperis.

From plaintiff's trust fund account statement, I conclude that he qualifies for indigent status. Further, I assess plaintiff an initial partial payment of the \$455 fee for filing his

appeal in the amount of \$2.72.

IT IS ORDERED that plaintiff Justin Truckey's request for leave to proceed in forma pauperis on appeal is GRANTED. Plaintiff may have until March 9, 2011, in which to submit a check or money order made payable to the clerk of court in the amount of \$2.72. If, by March 9, 2011, plaintiff fails to pay the initial partial payment or explain his failure to do so, then I will advise the court of appeals of his noncompliance in paying the assessment so that it may take whatever steps it deems appropriate with respect to this appeal.

Further, the clerk of court is requested to insure that the court's financial records reflect plaintiff's obligation to pay the \$2.72 initial partial payment and the remainder of the \$455 fee in monthly installments.

Entered this 17th day of February, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge